

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

James Muhammad aka James Wright;)	C/A No. 3:06-0384-CMC-JRM
)	
Plaintiff,)	OPINION and ORDER
)	
v.)	
)	
Faye Hightower,)	
Defendant.)	
)	

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, the complaint filed by Plaintiff, who is currently involuntarily confined at a facility of the South Carolina Department of Mental Health, and who is proceeding *pro se*, was referred to United States Magistrate Judge Joseph R. McCrorey for pre-trial proceedings and a Report and Recommendation. On March 8, 2006, the Magistrate Judge issued a Report and the matter is now before the court for a ruling.

This court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See 28 U.S.C. § 636(b)*. The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Based on his review of the record, the Magistrate Judge has recommended that the complaint be dismissed without prejudice and without issuance of service of process because Plaintiff fails to state a claim on which relief can be granted. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he

failed to do so. Plaintiff has filed no objections to the Report and Recommendation and the time for doing so has expired.

After reviewing the Complaint, and the Report and Recommendation of the Magistrate Judge, the court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference.

IT IS HEREBY ORDERED that this action is **DISMISSED** *without prejudice and without service of process*.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
April 21, 2006

C:\temp\notes\FFF692\06-384 Muhammad v. Hightower, et al. - dis wo prej and svc - dmb - fails to state a claim.wpd